

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 16, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, McRoy, Seng; Joan Ross, Deputy City Clerk; Absent: Johnson.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of Oct. 9, 2000, reported having done so, found same correct.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy. Seng, Shoecraft; NAYS: None; Absent: Johnson.

MAYOR'S AWARD OF EXCELLENCE

Don Herz, Finance Director: We have two today. The first award is to Larry Schauer and this is the Mayor's Award of Excellence for June of 2000. Larry's award has been delayed for one reason or another, but we're happy we could acknowledge his accomplishments today. Larry is the Assistant Purchasing Agent for the Finance Dept., has been employed by the City since April of 1979. He was nominated for the Mayor's Award of Excellence in the area of Loss Prevention by Lynn Johnson our new Parks and Recs Director. Lynn explains the reason for his nomination as follows: Each year the City, Lancaster County, and the Building Commission solicit proposals and award contracts for numerous small projects involving construction or maintenance and repair of public facilities. Larry researched a model developed by the University of Nebraska for developing contractual relationships with a number of contractors for a variety of services. He then facilitated meetings between the various departments involved in such work to get a sense of how a similar approach might be developed for use in the City. Working with the City Attorney's Office Larry developed a new contract form and bidding schedule. Departments may now get in touch directly with firms under contract to request proposals for small projects. Larry's new system will save time, decrease paperwork, and reduce costs. This in turn will improve employee productivity and the services we provide to the community. And, I should add that, that we received some national recognition which I shared with you back in August as a result of this. I am proud to provide Larry with the Mayor's Award of Excellence for June of 2000. Let's give him a hand. (applause) Larry do you have anything that you want to add?

Larry Schauer, Asst. Purchasing Agent: Well, I'd just like to add that this was very much of a group effort. I know my name is out in front of you today, but the rest of the Purchasing Staff, the City Attorney's Office, the County Attorney's Office and about 15 people in the various County agencies, Public Building Commission, and City agencies gave me a great deal of assistance because it was in their best interest, too. So, I applaud and appreciate their efforts. Thank you.

Tom Casady, Police Chief: Good afternoon Council Members, I'm Tom Casady the Chief of Police and our September winner of the Mayor's Award of Excellence is Officer Greg Cody to my left. Officer Cody is a 10 year veteran of the Lincoln Police Dept. He was nominated for this award by one of our first line supervisor's Sgt. Stan Kubicek who is also here. He was nominated for his excellence in Traffic Law Enforcement. Greg works in our Traffic Enforcement Unit. Last year the Traffic Enforcement Unit of the Police Dept. wrote almost one half of all the traffic citations we issued and their department issued over 44,000 official, go to court traffic tickets and over 39,000 warning tickets. I can assure you Greg's name is on a large plurality of all of those citations because during the year the Traffic Unit operated most of the time well below it's authorized strength with only three officers. But, Greg is being honored today not just for his traffic enforcement work, but for going the extra mile. He went the extra mile by dramatically improving the department's training in speed detection. In the fall of 1998 Greg was certified as a radar and laser speed determination instructor, went off to some specialized training for that and when he came back he reviewed the materials that he was presently using for radar training, speed detection training, and discovered that they were in need of revision. These materials hadn't been overhauled in nearly 10 years and he over took that project, upgraded

all our materials, created some very good training materials including some power point presentations that could be used by our recruit academy. Just basically upgraded our training in speed detection dramatically. This is not part of Greg's job. His job is to enforce traffic laws not to conduct training and develop training materials. He did that on his own initiative even though it was outside of his job simply because he saw a need and saw to fill it. Sgt. Kubicek noted in his nomination that as a result of Officer Cody's efforts the Lincoln Police Dept. now has an exceptional training manual and training course. He recognized that the course could be improved and without hesitation took it upon himself to revamp the program. It's through initiative like this that we can continue to improve our training programs and our services to the community and I think Sgt. Kubicek put it real well and I'm glad that Sgt. Kubicek can be here along with Officer Cody's commanding officers Capt. Dave Beggs and Asst. Chief John Becker. And, we would all like to join in thanking Greg for his great work and helping to present this award. Is there anything you'd like to say?

Officer Cody: No, that's fine. Thank you.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF TWISTED STEELE, INC. DBA "THE BAR" FOR A CLASS "C" LIQUOR LICENSE AT 1644 P STREET;

MANAGER APPLICATION OF MATT VRZAL FOR TWISTED STEELE, INC. DBA "THE BAR" AT 1644 P STREET - Matthew Vrzal, 1644 P Street, took oath & came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DIST. (IN CONNECTION W/00R-279);

SPECIAL PERMIT 1851A - APP. OF TABITHA, INC. & TABITHA HOUSING CORP., TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY & ADULT CARE CENTER FOR A MAXIMUM OF 42 CHILDREN & 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, & WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH & J STS. (IN CONNECTION W/00-181) - DEPUTY CITY CLERK: Did you want to make a motion to place them on Pending?

Jonathan Cook, Council Member: So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

This matter was taken under advisement.

CHANGE OF ZONE 3278 - APP. OF HENDRICKS INVESTMENTS, L.L.C. TO REDUCE THE BUILDING LINE DISTRICT FROM 50' TO 40' ALONG SOUTH ST. BETWEEN FOLSOM ST. & S. 1ST ST. (IN CONNECTION W/00-183, 00R-285);

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 84.46 ACRES OF PROPERTY GENERALLY LOCATED AT S. FOLSOM & SOUTH STS. (IN CONNECTION W/00-182, 00R-285);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF SOUTH STREET BUSINESS PARK WITH WAIVERS OF THE REQUIRED CURB AND GUTTER ALONG SOUTH STREET AND FOLSOM STREET, DETENTION REQUIREMENTS, AND SIDEWALKS, ON PROPERTY GENERALLY LOCATED AT S.W. 6TH AND SOUTH STREETS. (IN CONNECTION W/00-182, 00-183) - Peter Katt, 1045 Lincoln Mall, Suite 200: I'm appearing on behalf of Hendricks Investments on these three items. I believe all these items are relatively self explanatory. The first one, Item 5, is a change of zone which would change on this property the building line setback from 50' to 40'. Public Works is in agreement with this. The road in this area is no plans for expanding which is the reason for the building line district and they're in support of that change of zone. With regard to Item 6 this would result in the annexation of this property. Planning Staff report indicates that this is in full conformance with the Comprehensive Plan and then as a part of bringing forward Item 11 which is the preliminary plat for this area. All of the required infrastructure in order to develop the property would be put into place. And, so there's no controversy with regards to annexation Item 6. Item 11 is the preliminary plat, that's the resolution on your agenda today. We would ask that while these are all together that Item 11 that you take action on that today. The applicant would like to move forward in getting the infrastructure installed in the area and take advantage of the weather that we're currently enjoying and not heed the way for the vagaries of Nebraska weather to unseat that. There's no tie between Items 5 & 6 that would require that you take action on all of them together. The preliminary plat would be able to move

forward in advance of both Items 5 & 6. I believe the Staff report and fact sheet on all of these items contain all of the relevant information. We do have available Mr. Hendricks as well as representatives from Olsson Assoc. if there are any questions that anyone on the Council would have with regard to these proposals. I'd be happy to entertain any questions.

Mr. Cook: I have a question for Staff regarding the vote today. Could Staff address that just briefly that we can't vote today because if we don't have the annexation voted on we can't do the improvements. Is that correct?

Ray Hill, Planning Dept.: That's my understanding, because of the preliminary plat is outside of the City limits we really should wait until the annexation occurs because we would be putting public utilities outside the City limit of the City of Lincoln.

Jerry Shoecraft, Council Member: Basically, delaying Item No. 11 until next week.

Mr. Hill: Right. The preliminary plat so they can all be voted on at the same time.

Mr. Shoecraft: Is that a problem with you Peter?

Mr. Katt: I think there's a real problem with that. These annexation agreements that we've been going through are kind of a new generation which only came into existence in the last few years. Legally when a preliminary plat is approved and finalized, do the final plat if the final plat is contiguous to the City limits, which this property is, the property is automatically annexed into the City. So, the conditions that are found in the annexation agreement with regard to installation of public utilities is covered in the preliminary plat. Now normally we would not care. Normally a one week delay would not be of any importance to anyone, however, in this case with the weather that we have and with the utility contractors available we're asking that the preliminary plat be approved today and go forward so that we can begin installation of the required utilities. I don't understand any of Staff's concern about, about delaying it, perhaps ...

Mr. Shoecraft: Well, Items 5 & 6, Dana, I'm a little surprised I thought you had made a request for Items 5 & 6 to be voted on today because the resolutions, we usually hear resolutions and vote on them the same day Peter, Dana?

Mr. Katt: Obviously I'm, I guess we'll keep both of us here. I mean, if you'd like to, one of the other options that you could do would be to accelerate Item 6, write them 5 up and vote on them today and then you could vote on all three of them today if that's your preferred item. We just didn't want the resolution to be held and so we just raised that to your attention that yes we would like it to be handled in the normal color switch where a resolution would be voted on today absent something else.

Mr. Shoecraft: And usually if there's, once we go through public testimony if you make that request and there's no opposition, etc. we usually have granted those in the past and, in consideration of trying to get those things started and climate, etc. around this time of the year. I don't know if that's what you're asking, but I was, and Jonathan brought that up at noon, and I don't see any ...

Mr. Katt: That would be acceptable as well if you want to act on 5 and 6 today and ...

Mr. Shoecraft: I don't see any problem, but if you guys want to delay.

Mr. Cook: I didn't come prepared to vote on these items today. I have some more questions that I was going to ask Staff outside of the public hearing. I just want to talk to Nicole and I was unable to reach her at the end of the week last week, but actually, I have a question for the representative here. You have permits for fill that allow how much fill to be brought into this particular area?

Mr. Katt: You wanted, somebody from Olsson's want to come up on the filler requirements? We'll bring in the experts on this that will give you accurate information

Mr. Camp, Council Member: Mr. Chair while the gentleman is coming forward would it be appropriate to have Dana comment on accelerating those two items? I think you started to ask him.

Dana Roper, City Attorney: I think you can do it with five votes. I'm not crazy about it since we haven't advertised it, but you can change your agenda with five votes and if we don't have opposition I wouldn't object to it.

Coleen Seng, Council Member: Dana, I really wanted to ask you about Item 11. It seems to me there have been other times when we've gone ahead and voted on one of these and it's really, it's at their risk that we're doing this, correct?

Mr. Roper: To some extent, yes, but if the chickens come home to roost we'll be the ones in all likelihood having to deal with it, so, it's a two, I think it's a risk on both parities.

Ms. Seng: OK, then on this one there was approval on both 5 & 6 by both Planning Staff and Planning Commission?

Mr. Roper: I think, oh, as I would understand it I think all we're talking about is procedures. I don't think there is a question about the substance. I think everyone is in agreement there. The question is following the procedures to get to the top question.

Mr. Camp: Dana, what's the risk to the City that you were addressing to Council Person Seng?

Mr. Roper: The risk is that we have half of the ground improvements that sit there and don't go forward, they just sit there and we've got holes, we've got pipes, we've got, just kind of hazards sitting there in the ground.

Mr. Camp: Would we have flexibility to add some clause to this resolution saying that if for some reason the action weren't followed or acted upon appropriately in a week or whenever that's it's incumbent upon the applicant here to place the land back in it's original state of something to that affect?

Mr. Katt: I would have no objection adding that into the language, however, I think that's the law anyway.

Mr. Camp: I would imagine as much.

Mr. Katt: I don't believe a landowner can keep open hazards open and so my preference always is if it's adequately addressed (inaudible) by other means let's not add a belt and suspender to it. I, I don't believe that there's any material risk to the City in approving the preliminary plat on this project in advanced of the other two. I think all of the risk, the real risk, the financial risk, rests with my client and not with the City and so I don't perceive this as a big issue on getting the resolution for the preliminary plat in front of the other two items. At Planning Commission these were non-controversial, both the first two items were unanimously approved and the preliminary plat was approved 7-1. And, I think the comments and testimony at the Public Hearing were pretty clear in terms of what this was. This was a quality project that was in full compliance with all City requirements and the recommendation to you was to approve it and move it forward. Have we found the answer to the question yet?

Gary Bredehoft, Olsson Associates: Yeah, the total amount of fill supported is imported onto the 100 year flood plain would be 122,900 cubic yards with an estimated 55 cubic yards to bring just the pad sites up one foot above the flood plain.

Mr. Cook: The 122,900 that's the total fill that you'll be bringing, that's net fill in the flood plain?

Mr. Bredehoft: Also, then to bring just the pad sites up an additional 55,000 cubic yards just for the, to bring the pad sites up an additional one foot above the flood plain.

Mr. Cook: So that's in addition to the 122?

Mr. Bredehoft: Uh-huh.

Mr. Cook: 55,000 will bring the pad sites up. How much has been brought in so far? Or are you saying that is how much has been brought in so far?

Mr. Bredehoft: That's how much fill they brought in to finish the project, yeah.

Mr. Cook: Permit allows you to bring in how much?

Mr. Bredehoft: Well, the way that I understand it, John you might come up here he was in the permitting process, the way I understand it this is approximately 30 to 40% of what was allowed I think. They would plan for a 100, the core plan that er FEMA plan that this area could be 100% filled and this is about 30 to 40%, am I right John?

John Denlinger, Olsson Associates: I believe that to be the case. There really is no, I believe set number as far as volume of fill that can be brought into that area. It's in an area flood plain fringe. It's between the floodway and the flood plain delineation. FEMA does not have any, I guess, ceiling as to how much material could be brought in there. It was assumed when they did their calculations from the City's flood insurance study that that area would be filled in at some point. So, that was accounted for in their analysis.

Mr. Cook: This 122,00 plus the 55 this is net. You aren't removing some from some other place on the site that, or some nearby site that would compensate as far as ...?

Mr. Bredehoft: No, I think we are removing some, aren't we, in the, in the, we're taking some more out, I believe, in the area that they're going to do the wetland banks so they are removing some additional fill.

That number I don't really have, do you have that? John do you ...?

John Hendricks, Hendricks Investments: On the wetland bank we kept 15 acres. It's a 50 acre parcel of ground with a 15 acre wetland bank. We excavated 60,000 yards roughly and placed it over here. So, we have natural 15 acres of storage more than was there before. So, with that we kept our site low and our buildings so we can keep some flood water back in here if we had to, but our building pads have to be one foot above the 100 year flood plain elevation. So, we minimized as much fill as we could bring in there, but enough to make the site look proper with our streets elevated and our buildings about the same height. Everything should look good in site. Should flow together real nice. The dirt work has been done. We have processed the, we've got to start planting trees along the outside. We planted everything in wild flowers. All the wetlands is in wild flowers so it should be a very beautiful site when we're done.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE WATER CONSTRUCTION FUND OF \$125,000 FROM CAPITAL IMPROVEMENT PROJ. 701283, WATER TRANSMISSION PUMP STATION REPLACEMENT & \$75,000 FROM CAPITAL IMPROVEMENT PROJ. 701024, WELL REPLACEMENTS - ASHLAND, TO CAPITAL IMPROVEMENT PROJ. 700806, WATER FILTER-TO-WASTE FACILITY; & \$10,000 FROM CAPITAL IMPROVEMENT PROJ. 506232, WATER DISTRIBUTION MAIN IN N.W. 12TH ST. FROM OGDEN TO HIGHLANDS TO CAPITAL IMPROVEMENT PROJ. 701025, PVC STORAGE BUILDING - Coleen Seng: Do we have to get a substitute?

Deputy Clerk: Yes there is a substitute ordinance.

Ms. Seng: Have we voted on that?

Deputy Clerk: No.

Ms. Seng: I move the substitute ordinance.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN KENO, INC. FOR THE OPERATION OF A KENO TYPE LOTTERY ON BEHALF OF THE CITY FOR A FIVE YEAR TERM - Charlie Humble, Suite 400 Cornhusker Plaza. 301 S 13th St.: Representing Lincoln Keno, Inc. To my left is John Hassett who is the General Manager of the Lincoln operation. As the applicant, Lincoln Keno, Inc., is the subsidiary of Omaha First Corporation which is a Keno contractor is Omaha as well as an affiliate of Bellevue Keno Inc. which is the current exclusive Keno contractor for Bellevue. Between the two they presently operate 30 locations and have done so in a number of years. The contract we are asking you to approve today is identical in all relevant aspects to the present contractor. For instance the City of Lincoln will receive 14% of the gross proceeds which is the maximum allowed by law. And the term of the contract is five years. One of the benefits that we see from this will be that the additional revenues expected will provide additional funding for you to decide what community betterment projects or other types of projects will be funded. And, as we indicated the initial thrust will be about \$650,000 additional available to the City and that will just increase as time goes along. John, if you would maybe like to bring the Council up to speed a little bit about your project, of course, subject to approval by the City Council, but any progress of getting satellites.

John Hassett: I'll be the General Manager here for Lincoln Keno and we proposed a satellite based Keno operation. We currently have six locations signed that indicate interest in our project and our program. I have almost 25 years experience in Keno and Bingo and have opened, overseen the installation and opening of three main parlors and about 80 satellites between Omaha and Bellevue and some here in Lincoln. I'm here if any of you have any questions about our proposal or our program I'd be happy to answer them.

Mr. Humble: And, how many years have you been involved in Keno, John?

Mr. Hassett: Keno about nine years.

Mr. Humble: And, gaming overall?

Mr. Hassett: About 25 years.

Mr. Humble: In summary we would say the applicant is certainly fit to run Keno having done so for years very successful in the metro area. They have experience, competent personnel that John will supervise. Many of them have had many years of experience in Keno and gaming operations. They are knowledgeable and know the applicable laws, regulations, statutes, the City lottery code regulations. So, we really are ready to proceed. We appreciate the time that's been spent with us by Staff, Don Herz, Mark Leikam, and other staff members from the Finance Dept. Don Taute of the City Attorney's office in working through the contract and at

this point without further ado we would certainly ask if you've got any questions of John or myself and we'll certainly endeavor to answer them for you.

Mr. Camp: Yes, John, this morning we were visiting with Staff about the actual monitoring that the City Finance Dept. as well as the Police Dept. would make, in your systems where you, I believe you said you have 30 locations currently that you've worked with, how does your computerized auditing or provision on information work and how would that be facilitated so that it would work well for our City systems?

Mr. Hassett: I think one of the advantages of the satellite system is that you have all your information or activity at your master station which is at your main parlor. So, it's all your activity of your, betting activity is recorded at one parlor and it's monitored regularly as you run your games. We do have a satellite manager that goes around and performs audits, picks up paperwork, deposit slips and things. In the year at Bellevue we've been there about a year right now, we haven't, we've had one deposit that was off, I think, the whole time. So, it's relatively easy to monitor.

Mr. Camp: What will that be easy to coordinate with the types of computer software and all that we have so that it doesn't ...?

Mr. Hassett: The other advantage that we have is that our programmer is here in Lincoln so he's assured us that he'd work with the City for whatever reports and tie in whatever systems they would like us to. As far as, it's not hard to actually put a station here, of course not one to write tickets, but one for the reports wouldn't be hard to put one here. They can monitor it live if they like, but we'd have to work that out with the programmer.

Mr. Camp: I may have one other question, too, we had some discussion what would be the anticipated revenues down the road with the addition of a second operator? As I recall Omaha started off with both operators so there's really not a track record of showing where you had one and added one. Do you have statistical references in other communities or across the nation or something that would help us?

Mr. Hassett: I think, I think Omaha figures would be a pretty good of an example of what we're doing from the standpoint Omaha first originally didn't go into the satellites. It just had one parlor at Aksarben and, of course, with the demise of Aksarben they had to come up with an alternative plan and just started into this satellite Keno a couple of years ago. So, up until, probably, three years ago Omaha basically had one operator going around signing up locations and then one was just a main parlor. So, when Omaha did go into the satellite Keno in Omaha that turned around about a four year stretch of the declining Keno revenue. The revenues went up almost 25% the first year that we went out signing locations.

Mr. Camp: How did that go the following four years?

Mr. Hassett: It stayed pretty steady. We were up again last year. This year is, I think they're down 25 for the year. I can get you the actual figures, but it's, it's this year was a pretty stable year it seemed like.

Mr. Humble: I guess just John, following up on that with the ability to attract six already and they have projected eight the first year I guess I think that would show the availability and I think reassure the Council that we can back up what we say. Thank you very much.

Nancy Harris, 4831 Claire Avenue: I'm here before you today to support Lincoln Keno's request for this permit. I myself work at an association where we have members who pay dues and those dues rarely cover all the services that we want to provide. I think the City of Lincoln is in the same situation. We all pay taxes and those taxes don't cover the amenities that we'd like to provide. A non-tax revenue stream would be very helpful in providing some of the amenities that the City would like to offer to improve quality of life. I'm here today to speak to one amenity in particular, the building of an ice skating facility here in Lincoln. I'm a member of the Lincoln Ice Skating Assn., the local member of the U.S. Figure Skating Clubs here in Lincoln and I represent a group of about 100 skaters who are very, very interested in the construction of a new ice facility. And, I know that also here today, I believe, is a person from the Ice Hockey Assn. who'll address the same issue. Not only do we support the City's pursuit of another revenue stream, but we especially support the pursuit of that revenue stream if it goes towards the building of a new ice skating facility. And, I'd answer any questions but you probably don't have any.

John Highland, 333 Cajun Dr.: I also am representing the Lincoln Ice Hockey Assn. as Ms. Harris had mentioned. We're excited to, I was excited to have worked on the City Task Force that the Mayor put together

discussing the possibilities of an ice facility here in Lincoln. I also recognized from that experience that recreation monies are limited in the City and we feel that the Keno money potentially could be a source of revenue that would help us continue to build other opportunities for quality life in Lincoln. I was very excited when Councilman Shoecraft introduced, had a public press conference and talked about the number of recreation potentials that were out there and the ice facility may be one. And, so I want to just say I am in great support of passage of this contract. Thank you. Have any questions?

David Hunter, 1023 Lincoln Mall: I guess I'm especially interested in this because I remember a couple years ago that the Keno funds were used to balance the budget. Don't even think about going there next time, because that is not the mission of the Keno funds whether it be for the ice hockey or whatever that's the mission. These funds are not to be used for anything other than the betterment and balancing the budget does not qualify as community betterment. That qualifies as mismanagement. It's that simple. So don't think for one minute you're going to vote to approve this that that's going to be a windfall for an extra few bucks to balance the budget when it gets in trouble. Some of us never ever want to see that happen again and it did happen. Thank you.

Jeff Fortenberry, Council Member: Would City Attorney come forward please? Would you do us a favor and read what you read this morning in regarding allowable purposes that Keno revenue can be utilized for.

Mr. Roper: This is out of the state statute and basically the state statute says that you can use this money for community betterment purposes and they list four. "Benefitting persons by enhancing their opportunity for educational advancement by relieving, protecting them from disease, suffering or distress. Secondly, you can use it for initiating, performing or fostering worthy public works or enabling or furthering the maintenance of public structures. Thirdly, lessening the burdens borne by government as or excuse me borne by government or voluntarily supporting or augmenting or supplementing activities which government would normally render to the people. And, lastly providing tax relief for the community."

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE NORTH 27TH STREET REDEVELOPMENT PLAN TO SPECIFY PROJECT ELEMENTS FOR AN AREA ON THE WEST SIDE OF NORTH 27TH STREET BETWEEN "X: STREET AND "Y" STREET - Wynn Hjermstad, Urban Development Dept.: We currently have a project of the North 27th Street Redevelopment Plan at the corner of X Street and 27th and this amendment just expands that project to the north. There are two property owners that were, that would be affected by this amendment. One has already expressed a willingness to work with us and the other the property is currently for sale. The North 27th Street Business and Civic Association has sent a letter to the Mayor and to Urban Development recommending that this location be the next project that the City takes on on North 27th Street. So, we believe there is support for it. Do you have any questions? Thanks.

Ed Patterson, 2108 Q Street: I'd like to submit for the record a letter in support of this that I read at the Planning Commission hearing on it. As president of the Malone Neighborhood Association I would like to report that we are in support of this proposal and know of no one in the Malone Neighborhood who would be against it. The Antelope Valley Development Proposal adopted by the Malone Neighborhood Association 9-9-1997 recommended assembly of all the property along 27th from X to Y west to, but not including, the Good Neighbor Center. So we are, of course, pleased to see this proposed amendment. Please note, however, that in our plan we described a facility with mostly glass frontage facing the bike path, and possibly a delicatessen or food court usage of this glass and patio area. Commercial parking would not intervene between the delicatessen patio and landscaping of the bike path. Instead, commercial parking would be to the north off of Y and or underneath the structures. This gets synergy from the linear park landscaping for the atmosphere in the new structure. This endorsement is subject to the following conditions: 1. There should be no use of the Police Power of the State to take property from one private individual and give it to another. And, 2. Property owners selling their land for this assembly, by the Constitution should not be pressured into barring or barring a disproportionate share of the burden of this project among taxpayers in Lincoln. Thank you.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St.: During my tenure most of this got started. A lot of this we've been discussing for a long time and this one area that a building is set somewhat semi-used for a very long time so I think helping to clean up

this area will help the neighborhood especially as people drive down 27th and the Old Broom Factory gets kind of cleaned up there because it set for many, many years there with weeds and everything. It's been a fight and a lot of vandalism and that going on. It's just another small pocket we're cleaning up and we'll show that things can be done if a number of neighborhoods and the City and everybody gets together to fulfill the needs of the neighbors. Thank you very much.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING TORT CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF SEPTEMBER 16 - 30, 2000 - Mr. Cook: I have a question, Item 47 is the Pending Dawn McFarland claim, but on this report we have a settlement to that. Should we move the Pending claim from our list?

Mr. Roper: Yes.

Mr. Cook: I move to remove that claim from our Pending list.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

APPLICATION OF PARISH OF THE NORTH AMERICAN MARTYRS TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCTOBER 14, 2000 THROUGH NOVEMBER 18, 2000 - Mr. Fortenberry: They've assured me no tickets have been sold and that they are praying for Jon Camp. (laughter)

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATION OF LABORATORY CHEMIST - WPC - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ordinance No. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classification of "Laboratory Chemist - WPC", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **#17742**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATION OF BUDGET AND ADMINISTRATIVE ANALYST I - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E" by deleting the job classification of "Budget & Administrative Analyst I" the third time.

CAMP Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson

The ordinance, being numbered **#17743**, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY CREATING THE CLASSIFICATION OF GRANTS ADMINISTRATOR AND THE CLASSIFICATION OF AFFIRMATIVE ACTION OFFICER; BY CHANGING THE CLASSIFICATION OF BUDGET & ADMINISTRATIVE ANALYST II TO BUDGET & ADMINISTRATIVE ANALYST; AND BY DELETING THE JOB CLASSIFICATION OF MANAGER, LINCOLN AREA AGENCY ON AGING - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 5 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "Grants Administrator," and "Affirmative Action Officer"; by changing the job classification "Budget & Administrative Analyst II" to "Budget & Administrative Analyst"; and by deleting the job classification of "Manager, Lincoln Area Agency on Aging", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **#17744**, is recorded in Ordinance Book 24, Page

VACATING A PORTION OF N. 60TH ST. FROM SEWARD AVE. SOUTH 142' - PRIOR to reading:

CAMP Moved to place Bill 00-177 on Pending.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson

DEPUTY CLERK Read an ordinance, introduced by Cindy Johnson, vacating N. 60th St. from Seward Ave. south 142', and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

VACATING A PORTION OF N. CODDINGTON AVE. GENERALLY LOCATED SOUTH OF W. S ST. - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, vacating a portion of N. Coddington Ave. generally located south of W. "S" St., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.
The ordinance, being numbered **#17745**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3275 - AMENDING SECTIONS 27.24.040(J) AND 27.63.340 OF THE LMC TO ALLOW OTHER THAN PROFESSIONAL OFFICES AS PERMITTED SPECIAL USES IN THE R-8 RESIDENTIAL ZONING DIST. - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Title 27 of the LMC by amending Sections 27.24.040 and 27.63.340 to allow other than professional offices as permitted special uses in the R-8 Residential Zoning District; and repealing Sections 27.24.040 and 27.63.340 as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.
The ordinance, being numbered **#17746**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3281 - AMENDING CHAPTER 27.54 OF THE LMC TO DELETE SECTION 27.54.030 WHICH REQUIRES A MINIMUM OF ONE ACRES FOR P ZONING - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 27.54 of the LMC relating to the P Public Use District by amending the introductory statement and repealing Section 27.54.030 of the LMC to delete the minimum one-acre requirement; and repealing the introductory statement of Chapter 27.54 as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.
The ordinance, being numbered **#17747**, is recorded in Ordinance Book 24, Page

ORDINANCE NO. 17740 - CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 RESIDENTIAL & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION 2/00R-271, 00R-272) - PRIOR to reading:

CAMP Moved to reconsider Bill No. 00-173.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to delay for two weeks for action on 10/23/00.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

PRELIMINARY PLAT & SPECIAL PERMIT

SPECIAL PERMIT 1851A - APP. OF TABITHA, INC. & TABITHA HOUSING CORP., TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY & ADULT CARE CENTER FOR A MAXIMUM OF 42 CHILDREN & 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, & WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH & J STS. (IN CONNECTION W/00-181) - PRIOR to reading:

COOK Moved to place Bill No. 00R-279 on Pending.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF SOUTH STREET BUSINESS PARK WITH WAIVERS OF THE REQUIRED CURB AND GUTTER ALONG SOUTH STREET AND FOLSOM STREET, DETENTION REQUIREMENTS, AND SIDEWALKS, ON PROPERTY GENERALLY LOCATED AT S.W. 6TH AND SOUTH STREETS.(IN CONNECTION W/00-182, 00-183) - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80492 WHEREAS, Hendricks Investments, L.L.C. has submitted the preliminary plat of **South Street Business Park** for acceptance and approval; and
WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated September 12, 2000, which is attached hereto as Exhibit

"A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **South Street Business Park**, located at S.W. 6th and South Streets as submitted by Hendricks Investments, L.L.C., is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of § 26.27.010 of the Lincoln Municipal Code that streets within the subdivision be paved with curb and gutters is hereby waived in South Street and Folsom Street.

2. The requirement of § 26.23.105 of the Lincoln Municipal Code for on-site storm water detention is waived.

3. The requirement of § 26.27.020 of the Lincoln Municipal Code relating to the installation of sidewalks on both sides of South Street and Folsom Street is waived, however, the subdivider and its successors and assigns shall waive any objection to the creation of a sidewalk district at such time as the City of Lincoln deems sidewalks to be necessary.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Cook; ABSENT: Johnson.

PETITIONS & COMMUNICATIONS

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF SEPT., 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. **(35-01)**

APP. OF PIUS X HIGH SCHOOL BOOSTER CLUB - B.O.L.T., 6000 A STREET, TO CONDUCT A RAFFLE WITHIN THE CITY - DEPUTY CLERK requested a motion to set the hearing date of Monday, Oct. 23, 2000 at 1:30 p.m.

CAMP So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone 3204 - App. of Director of Planning for a change from R-3 to P at 83rd & Leighton remaining portion of Outlot A, Northern Lights Addition.

Change of Zone 3253 - App. of Stockwell Properties, LLC for a change from B-1 & R-3 to B-2 on property at Coddington & West Van Dorn.

Change of Zone 3279 - App. of Carl R. & Vicki Schmidt from AG to AGR on property at 70th & Countryview.

Change of Zone 3287 - App. of Lincoln Land and Mortgage from R-3 to R-1 on property at 73rd & Thomasbrook Lane.

Change of Zone 3288 - App. of Brian Carstens for text amendment L.M.C. Sec. 27.63.590 - Special Permitted Use.

Use Permit No. 133 - App. of Stockwell Properties L.L.C. To approve a Generic Use Permit for property at Coddington & West Van Dorn.

Special Permit No. 168A - App. of McMaster Enterprise Inc. for an addendum to Special Permit No. 168 to continue the width of present parking at 1216 H St to resurface, strip & landscape at 13th & H St.

Special Permit No. 1868 - App. of Carl R & Vicki A. Schmidt for a Community Unit Plan at 70th & Countryview.

Special Permit No. 1870 - App. of Gerry & Dianne Krieser to develop a Community Unit Plan in the AG District. at 129th & Holdrege.

Special Permit No. 1882 - App. of Dennis Boyer & Maureen Stender to build & operate a gymnastics school at 7300 South 40th St.

Special Permit No. 1884 - App. of David L. & Doreen K. Miller to construct a 120' communication monopole at 1537 S. 17th St.

FORMAL PETITION FOR ALLEY PAVING DIST. NO. 358 AT LOT 1, BLOCK 66, 2741 N. 50TH ST. SIGNED BY MICHAEL J. MICHEL - DEPUTY CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCT. 2, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80500 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 09/29/00)

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None.; ABSENT: Johnson.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF APRIL & MAY, 2000 - TRANS NAT'L. COMM.; AUG., 2000: IBM GLOBAL; SEPT., 2000: ATS MOBILE, ONE CALL COMM., OPERATOR COMM. - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ACCEPTING THE REPORT OF NEW AND PENDING TORT CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF SEPTEMBER 16 - 30, 2000 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80496 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated October 2, 2000, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

| <u>DENIED</u> | | <u>ALLOWED</u> | |
|---------------------------------|----------|---------------------------|------------|
| Stephanie & Eddie Key, | NAS* | Jan M. Loftin | \$1,246.00 |
| Parents of Jerry Key | | State Farm Insurance Co. | |
| Dawn McFarland | 6,888.00 | (Dawn McFarland, Insured) | 500.00 |
| State Farm Insurance Co. | | State Farm Insurance Co. | |
| (Meredith Vonasek, Insured) | 584.78 | (Dawn McFarland, Insured) | 2,300.00 |
| Katie Nicole Ulrich | 70.00 | Hao Mai | 375.00 |
| Jamie L. Thomas | 80.00 | Kirk E. Gunnerson | 432.99 |
| American Family Insurance Group | | | |
| (Amy Pfeifer, Insured) | 1,609.62 | | |
| Dan & Virginia Gohr | 97.28 | | |
| Benjamin S. Johnson | 298.00 | | |
| * No Amount Specified | | | |

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ACCEPTING THE REPORT REGARDING EMILY D. COPPER'S TORT CLAIM AGAINST THE CITY & APPROVING DISPOSITION OF CLAIM SET FORTH - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80499 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 18, 2000, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

| <u>DENIED</u> | <u>ALLOWED</u> |
|-----------------|----------------|
| Emily B. Copper | \$3,770.21 |

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

OTHER RESOLUTIONS

MANAGER APPLICATION OF JODY A. KIMMERLING FOR LPG CORP. DBA "BUSTER'S BARBECUE & BREW" AT 2435 SOUTH 48TH STREET - PRIOR to reading:

SENG Moved to delay action for one week to 10/23/00.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPLICATION OF TWISTED STEELE, INC. DBA "THE BAR" FOR A CLASS "C" LIQUOR LICENSE AT 1644 P STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80488 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Twisted Steele, Inc. dba "The Bar" for a Class "C" liquor license at 1644 P Street, Lincoln, Nebraska, for the license period ending October 31, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

MANAGER APPLICATION OF MATT VRZAL FOR TWISTED STEELE, INC. DBA "THE BAR" AT 1644 P STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80489 WHEREAS, Twisted Steele, Inc. dba "The Bar" located at 1644 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Matt Vrzal be named manager;

WHEREAS, Matt Vrzal appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matt Vrzal be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN KENO, INC. FOR THE OPERATION OF A KENO TYPE LOTTERY ON BEHALF OF THE CITY FOR A FIVE YEAR TERM - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80490 WHEREAS, the City of Lincoln entered into a non-exclusive contract with Lincoln's Big Red Keno, Ltd. for the operation of keno type lottery on behalf of the City of Lincoln and the County of Lancaster, dated March 10, 1993 and thereafter extended for an additional term through March 9, 2003; and

WHEREAS, the City Council is now desirous of contracting with a second operator to conduct a keno type lottery within the City of Lincoln and the County of Lancaster; and

WHEREAS, the City of Lincoln has received a proposal from Lincoln Keno, Inc., a Nebraska corporation, to become a second operator of a keno type lottery within the City of Lincoln and the County of Lancaster.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The City Council hereby approves the proposal and contract for the operation of a Keno type lottery on behalf of the City of Lincoln and the County of Lancaster for a period of five years by Lincoln Keno, Inc., a Nebraska corporation, upon the terms and conditions as specified in said contract, a copy of which is attached hereto marked as Exhibit "A" and made a part hereof by reference, and the Mayor is authorized to execute said contract on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of said contract to Lincoln Keno, Inc., c/o Charles D. Humble, Attorney at Law, Suite 400, 301 South 13th Street, Lincoln, NE

68508-2571; one copy to the City's Finance Director; and one copy to Steve Schatz, Charitable Gaming Division, Nebraska Department of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Shoecraft; NAYS: Fortenberry; ABSENT: Johnson.

WAIVING THE REQUIREMENT OF THE DESIGN STANDARDS FOR VEHICLE STACKING IN THE DRIVE-THRU OF BLIMPIE'S IN THE BELMONT SHOPPING CENTER TO ALLOW THE STACKING TO BE REDUCED BY ONE VEHICLE ON PROPERTY GENERALLY LOCATED AT 2441 N. 11TH STREET - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80491 WHEREAS, Article IV Section D of the Guidelines and Regulations for Driveway Design and Location, adopted by the City Council through passage of Resolution No. A-66828 on May 5, 1980, as amended by Resolution Nos. A-67473, A-69045, and A-77545 requires a drive-through facility to provide vehicle stacking for five vehicles plus the vehicle being served for each drive-through window; and

WHEREAS, Blimpie's Subs & Salads (Blimpie) has requested an exception to said guidelines to reduce the vehicle stacking requirement to four vehicles plus the vehicle being served at Blimpie's drive-through window at its restaurant located at 2441 N. 11th Street, #8A, Belmont Shopping Center; and

WHEREAS, said Guidelines and Regulations for Driveway Design and Location authorize the City Council to grant a specific exception from the strict application of the guidelines and regulations that would result in an unusual hardship in the use of a specific parcel of property, provided said exception is granted upon such conditions as may be appropriate to ensure conformance with the goals and purposes of said Guidelines and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Council does hereby grant Blimpie an exception from the strict application of the provisions of Article IV Section D of the Guidelines and Regulations for Driveway Design and Location so as to reduce the vehicle stacking requirement from 5 vehicles to 4 vehicles plus the vehicle being served to permit the construction of a drive-through window at its restaurant located at 2441 N. 11th Street, #8A, Belmont Shopping Center, Lincoln, Lancaster County, Nebraska.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

WAIVING THE REQUIREMENT OF THE DESIGN STANDARDS FOR THE SURFACING OF A PARKING LOT LOCATED AT S.W. 16TH STREET AND WEST BURNHAM STREET - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80493 WHEREAS, Gentle Shepherd Baptist Church has requested a waiver of the surfacing requirements for a new parking lot located on property generally located at S.W. 16th and West Burnham Streets and legally described as:

Lot 2, Dorothy's Gardens, in the Southeast Quarter of
Section 4, Township 9 North, Range 6 East of the 6th
P.M., Lincoln, Lancaster County, Nebraska

WHEREAS, the City Council finds that:

a) The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit religious institution;

b) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c) The location of the parking lot is sufficient distance from surrounding uses that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

In consideration of the findings made above, the requirement for the paving of the parking lot for Gentle Shepherd Baptist Church located at 1601 W. Burnham Street on property legally described above is hereby waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1) The driveway approach be surfaced in compliance with Driveway Design Standards.

2) If it is later found that dust or noise, created by the use of the parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked.

3) This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPROVING AN AMENDMENT TO THE NORTH 27TH STREET REDEVELOPMENT PLAN TO SPECIFY PROJECT ELEMENTS FOR AN AREA ON THE WEST SIDE OF NORTH 27TH STREET BETWEEN "X: STREET AND "Y" STREET - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80494 WHEREAS, the City Council on March 16, 1998 adopted Resolution No. A-78640 adopting the North 27th Street Redevelopment Plan as an amendment to the Northeast Radial Reuse Area Redevelopment Plan; and

WHEREAS, the Director of Urban Development has filed with the City Clerk amendments to the North 27th Street Redevelopment Plan to add provisions within said Plan to specify project elements for an area on the west side of North 27th Street between "X" and "Y" Streets. Said plan amendments are attached hereto, marked as Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on September 8, 2000 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on September 20, 2000 before the Lincoln City - Lancaster County Planning Commission regarding the amendments to the North 27th Street Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed amendments to the North 27th Street Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on September 20, 2000 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 6, 2000 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 16, 2000 regarding the proposed amendments to the North 27th Street Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on September 29, 2000 and October 6, 2000 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on October 16, 2000 regarding the proposed amendments to the North 27th Street Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 16, 2000 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed amendments to the North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the effective date for the provision under § 18-2147 of the Community Development Law related to the North 27th Street Redevelopment is May 1998; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed amendments.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the North 27th Street Redevelopment Plan as modified by the proposed amendments is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient

expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the North 27th Street Redevelopment Plan as modified by the proposed amendments is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendments to the North 27th Street Redevelopment Plan attached hereto as Attachment "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or her authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said amendments to the North 27th Street Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to the findings, approvals, and authorizations set forth in Resolution No. A-68614, Resolution No. A-69540, Resolution No. A-72716, Resolution No. A-77342, Resolution No. A-78640, Resolution No. A-78927, and Resolution No. A-80067.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPROVING THE OFFICIAL INTENT OF THE CITY, PURSUANT TO IRS CODE, TO REIMBURSE THE COSTS OF CONSTRUCTING PUBLIC IMPROVEMENTS RELATED TO THE QUE PLACE EXTENSION PROJECT AND THE CITY Q, O, P, R/NORTH HAYMARKET REDEVELOPMENT PROJECT AREA BY ISSUING ITS TAX ALLOCATION REFUNDING BONDS - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80495 A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO BORROW MONEY BY THE ISSUANCE OF ITS TAX ALLOCATION BONDS TO REIMBURSE THE COSTS OF CONSTRUCTING PUBLIC IMPROVEMENTS RELATED TO THE QUE PLACE EXPANSION PROJECT AND THE MARKETPLACE GARAGE PROJECT IN THE CITY'S Q, O, P, R/NORTH HAYMARKET REDEVELOPMENT PROJECT AREA.

WHEREAS, the Mayor and City Council (the "Council") of the City of Lincoln, Nebraska (the "City") have heretofore approved the Lincoln Center Redevelopment Plan (the "Plan") pursuant to the Nebraska Community Development Law, Sections 18-2101, et seq, Revised Reissue Statutes of Nebraska, as amended, (the "Act") for the purpose of acquiring or constructing various public improvements including those related to the Que Place Expansion (No. 576091) and the Marketplace Garage (No. 576092) (collectively, the "Projects"), within the Q, O, P, R/North Haymarket Redevelopment Project Area; and

WHEREAS, the City has initiated the planning, acquiring, constructing, equipping and furnishing the Projects which will require the expenditure of money of the City prior to the issuance either by the City or by an authority to be created pursuant to the Constitution and the Act of tax allocation bonds or bond anticipation notes (collectively, the "Bonds") to finance the costs of the Projects; and

WHEREAS, The Department of the Treasury has promulgated final regulations (Treasury Regulations, Section 1.150-2, hereinafter referred to as the "Regulations") governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for Project expenditures made by the City prior to the date of issuance of the Bonds which require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditures; and

WHEREAS, The Regulations generally require that the Bonds be issued and the reimbursement allocation made from the proceeds of the Bonds within 18 months after the later of the date the expenditure is made or the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid; and

WHEREAS, the Mayor and Council have determined that it is necessary, desirable and advisable that the City satisfy the requirements of Section 1.150-2 of the Treasury Regulations to preserve the ability to reimburse the expenditure of such City money from the proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincoln, Nebraska as follows:

Section 1. In accordance with the provisions of the Regulations, the Mayor and Council do hereby declare their official intent to borrow funds by the issuance of Bonds, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"). Prior to the issuance of the Bonds, the City is authorized to advance money on hand in the Fund of the City in the amount of not to exceed \$900,000 for the purpose of paying a portion of the costs of planning, acquiring, construction, equipping and furnishing the Projects. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

Section 2. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting "preliminary expenditures" within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Projects have been paid by the City more than 60 days prior to the date of adoption of this Resolution.

Section 3. The reasonably expected source of funds to be used to pay debt service on the Bonds will be the Tax Revenues as that term is defined in Ordinance No. 16717 which shall be pledged to the payment of, the principal of, and interest on, the Bonds.

Section 4. The Bonds shall be issued in such amounts and upon such terms and conditions as may be agreed upon by the City and the purchaser or purchasers of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Projects, the issuance of such Bonds to be approved by the Mayor and Council at a meeting to be held for such purpose.

Section 5. As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Projects, other than pursuant to the issuance of the Bonds. This Resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 6. This Resolution is intended to evidence the official intent of the City in accordance with Section 1.150-2 of the Treasury Regulations. This Resolution does not constitute final approval of the issuance of the Bonds by the City and does not legally obligate the City to approve the issuance of Bonds to finance the costs of constructing the Projects.

Section 7. (a) The Finance Director be, and hereby is, authorized to take such further action as he shall deem necessary or desirable without further action by the City to carry out the transactions contemplated by this Resolution.

(b) The Finance Director be, and hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Finance Director shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the Agency to make payment of the prior costs of the Projects. Each allocation shall be evidenced by an entry on the official books of the City maintained for the Project and shall specifically identify the original expenditure being reimbursed.

Section 8. This Resolution shall be in full force and effect from and after its passage and adoption as provided by law.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPLICATION OF PARISH OF THE NORTH AMERICAN MARTYRS TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCTOBER 14, 2000 THROUGH NOVEMBER 18, 2000 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80497 WHEREAS, Parish of North American Martyrs has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter

9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Parish of North American Martyrs to conduct a raffle in the City of Lincoln in accordance with the application filed by Fr. Garold Gabel. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific raffles described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPLICATION OF AMERICAN HEART ASSOCIATION TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FROM OCTOBER 23 TO NOVEMBER 18, 2000 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80498 WHEREAS, the American Heart Association has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to the American Heart Association to conduct a raffle in the City of Lincoln in accordance with the application filed by Stephanie Volk. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

RESOLUTION NO. A-80486 - USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION 2/00R-272, 00-173) - PRIOR to reading:

CAMP Moved to reconsider Bill No. 00R-271.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to delay for two weeks for action on 10/23/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

RESOLUTION NO. A-80487 - SPECIAL PERMIT 1855 - APP. OF KREIN REAL ESTATE, INC. TO DEVELOP 44,000 SQ. FT. OF RETAIL/COMMERCIAL FLOOR AREA, A REDUCTION OF THE FRONT YARD, A REDUCTION OF THE PRIVATE ROADWAY WIDTH OF WALTZ RD., & A WAIVER OF SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00-173) - PRIOR to reading:

CAMP Moved to reconsider Bill No. 00R-272.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to delay for two weeks for action on 10/23/00.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3284 - AMENDING CHAPTER 27.58 OF THE LINCOLN MUNICIPAL CODE TO DELETE ALL REFERENCES TO THE "AIRPORT ENVIRONS NOISE DISTRICT 2" BY AMENDING SECTIONS 27.58.010, 27.58.020, 27.58.030, 27.58.050, 27.58.060, 27.58.080, AND 27.58.100 TO ALLOW CERTAIN PROPERTIES BETWEEN LDN 65 AND LDN 70 TO BE USED FOR RESIDENTIAL PURPOSES - DEPUTY CLERK read and ordinance, introduced by Coleen Seng, amending Sections 27.58.010, 27.58.020, 27.58.030, 27.58.050, 27.58.060, 27.58.080, and 27.58.100 of the Lincoln Municipal Code and repealing Section 27.58.070 of the Lincoln Municipal Code to delete all references to and provisions regarding airport environs noise district 2; and repealing Sections 27.58.010, 27.58.020, 27.58.030, 27.58.050, 27.58.080, and 27.58.100 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3271 - AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE BY ADDING SECTION 27.67.085 TO EXPAND THE REGULATION OF THE PARKING OF UNREGISTERED, WRECKED, NON-OPERATING, JUNKED OR PARTIALLY DISMANTLED VEHICLES TO THE THREE-MILE JURISDICTION OF THE CITY - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Chapter 27.67 of the Lincoln Municipal Code relating to parking by adding a new section numbered 27.67.085 to restrict the storage or parking of unregistered, wrecked, non-operating, junked, or partially dismantled vehicles, the first time.

RENAMING BOX CANYON DRIVE AND BOX CANYON CIRCLE AS "WILDERNESS WOODS PLACE" GENERALLY LOCATED AT WILDERNESS RIDGE DRIVE AND YANKEE HILL ROAD - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, changing the name of Box Canyon Drive and Box Canyon Circle to "Wilderness Woods Place" located at Wilderness Ridge Drive and Yankee Hill Road, as recommended by the Street Name Committee, the first time.

RENAMING BIG SKY CIRCLE AS "STONE CREEK LOOP NORTH" AND MOON LIGHT CIRCLE AS "STONE CREEK LOOP SOUTH" GENERALLY LOCATED AT WILDERNESS RIDGE DRIVE AND YANKEE HILL ROAD - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, changing the name of Big Sky Circle to "Stone Creek Loop North" and the name of Moon Light Circle to "Stone Creek Loop South" located at Wilderness Ridge Drive and Yankee Hill Road, as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DISTS. (IN CONNECTION W/00R-279) - PRIOR to reading:

COOK Moved to place Bill No. 00-181 on Pending.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Title 27 of the Lincoln Municipal Code by amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.17.040, and 27.19.040 to allow adult care centers to be approved as permitted special uses in the R-1, R-2, R-3, R-4, and R-5 zoning districts, respectively, and adding a new section numbered 27.63.740 to provide conditions for such approval; and repealing Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, and 27.19.040 as hitherto existing, the second time.

CHANGE OF ZONE 3278 - APP. OF HENDRICKS INVESTMENTS, L.L.C. TO REDUCE THE BUILDING LINE DISTRICT FROM 50' TO 40' ALONG SOUTH ST. BETWEEN FOLSOM ST. & S. 1ST ST. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the "Building Line District Map" adopted pursuant to LMC Sec. 27.71.190 to delete the 50' Building Line Dist. along both sides of South St. from Folsom St. to S. 1st St., the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 84.46 ACRES OF PROPERTY GENERALLY LOCATED AT S. FOLSOM & SOUTH STS. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending Section 10 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17577, passed

11/15/99, prescribing & defining the corporate limits of the City of Lincoln, Nebraska; & repealing Sec. 10 of Ord. 8730 passed 5/17/65, as last amended by Sec. 1 of Ord. 17577, passed 11/15/99, as hitherto existing, the second time.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE WATER CONSTRUCTION FUND OF \$125,000 FROM CAPITAL IMPROVEMENT PROJ. 701283, WATER TRANSMISSION PUMP STATION REPLACEMENT & \$75,000 FROM CAPITAL IMPROVEMENT PROJ. 701024, WELL REPLACEMENTS - ASHLAND, TO CAPITAL IMPROVEMENT PROJ. 700806, WATER FILTER-TO-WASTE FACILITY; & \$10,000 FROM CAPITAL IMPROVEMENT PROJ. 506232, WATER DISTRIBUTION MAIN IN NW 12TH ST. FROM OGDEN TO HIGHLANDS TO CAPITAL IMPROVEMENT PROJ. 701025, PVC STORAGE BUILDING - PRIOR to reading:

SENG Moved to accept a substitute ordinance.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

DEPUTY CLERK Read an ordinance, introduced by Annette McRoy, approving the transfer of appropriations between certain capital improvement projects with the Water Construction Fund, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

AMENDING TITLE 5 OF THE LMC BY ADDING A NEW CHAPTER 5.17 PERTAINING TO TELECOMMUNICATIONS PROVIDERS USING THE CITY'S RIGHTS-OF-WAY TO ESTABLISH DEFINITIONS, STANDARDS, & PERMIT FEES FOR THE USE OF RIGHTS-OF-WAY; TO PROVIDE FOR INSURANCE, BONDING, & CONSTRUCTION STANDARDS FOR TELECOMMUNICATIONS FACILITIES LOCATED IN RIGHTS-OF-WAY; TO ESTABLISH PROCEDURES FOR REVIEWS OF DECISIONS REGARDING TELECOMMUNICATIONS FACILITIES; & TO PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE. (6/12/00 - PLACED ON PENDING)- DEPUTY CLERK requested Bill No. 00-100 be removed from Pending for action on Oct. 23, 2000.

CAMP So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ACCEPTING THE REPORT OF DAWN MCFARLAND TORT CLAIM AGAINST THE CITY & APPROVING DISPOSITION OF CLAIM SET FORTH. (ALL OTHER DISPOSITION OF CLAIMS FOR THE PERIOD OF JULY 16 THROUGH JULY 31, 2000 WERE ADOPTED ON 8/14/00) (8/21/00 - ACTION DELAYED INDEFINITELY - PLACED ON PENDING) - DEPUTY CLERK requested Bill No. 00R-217 be removed from Pending. Claim was made a part of Bill No. 00R-289 approved as A-80496.

COOK So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to extend the Pending List for 1 week.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

UPCOMING RESOLUTIONS

No items requested.

ADJOURNMENT

2:40 P.M.

CAMP Moved to adjourn the City Council Meeting of Oct. 9, 2000.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

So ordered.

Joan E. Ross, Deputy City Clerk

Judy Roscoe, Office Assistant III